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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,240	01/12/2007	Yasumori Hino	YAMAPI010US	5369
51921 7590 07/19/2011 MARK D. SARALINO (PAN) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115				
EXAMINER SHEN, KEZZHEN				
ART UNIT		PAPER NUMBER		
2627				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/595,240

## Applicant(s)

HINO, YASUMORI

## Examiner

Kezhen Shen

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2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueki US 2003/0086345 A1.

Regarding claim 1, Ueki teaches an optical disc comprising a plurality of areas which are previously allocated to correspond to a plurality of conditions (Fig. 3, [0056]), wherein the plurality of areas include: at least one first area (IDn of Fig. 3, [0056]), which is previously allocated to correspond to at least one first condition under which the optical disc can be accessed ([0056]), among the plurality of conditions (IDn+1 of Fig. 3, [0056]); and at least one second area (ID2 of Fig. 3, [0056]), which is previously allocated to correspond to at least one second condition under which the optical disc cannot be accessed ([0056]), among the plurality of conditions (ID5 of Fig. 3, [0056]), and a plurality of first parameters for providing a method for accessing the optical disc under the at least one first condition are recorded on the at least one first area and the at least one second area (Figs. 3, 6 and 8, [0056] disc scanning linear velocity).

Regarding claim 2, Ueki teaches an optical disc according to claim 1, wherein one of the plurality of the first parameters corresponding to each of the at least one first area is recorded on each of the at least one first area (IDn of Fig. 3, [0056]).

Regarding claim 3, Ueki teaches an optical disc according to claim 1, wherein one of the plurality of first parameters, which is closest in value to a plurality of second parameters for

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providing a method for accessing the optical disc under the at least one second condition, is recorded on the at least one second area (Fig. 8, IDn+1 of Fig. 3, [0056]).

Regarding claim 4, Ueki teaches an optical disc according to claim 1, wherein the optical disc includes at least one recording layer (105 of Fig. 10, [0075]), each of the at least one recording layer include the at least one first area and the at least one second area (Fig. 3, [0056]), and a plurality of third parameters for providing a method for accessing each of the at least one recording layer under the at least one first condition are recorded on the at least one first area and the at least one second area (IDn and IDn+1 of Fig. 3, [0056]).

Regarding claim 5, Ueki teaches an optical disc according to claim 1, wherein the plurality of conditions include a condition regarding a speed at which the optical disc is accessed (Figs. 5 and 8, [0056] velocity value).

Regarding claim 6, Ueki teaches an access apparatus for accessing an optical disc including a plurality of areas which are previously allocated to correspond to a plurality of conditions, wherein the plurality of areas include at least one first area, which is previously allocated to correspond to at least one first condition under which the optical disc can be accessed, among the plurality of conditions, and at least one second area, which is previously allocated to correspond to at least one second condition under which the optical disc cannot be accessed, among the plurality of conditions, and a plurality of first parameters for providing a method for accessing the optical disc under the at least one first condition are recorded on the at least one first area and the at least one second area, the access apparatus comprising: a reading section for reading at least one of the plurality of first parameters from at least one of the at least one first area and the at least one second area (24 of Fig. 12, [0089]); and an access section for accessing the optical disc using an accessing method provided by the read at least one first parameter (16 of Fig. 12, [0096]).

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Regarding claim 7, Ueki teaches an access apparatus according to claim 6, wherein the reading section reads the at least one first parameter from at least one of the at least one second area (24 of Fig. 12, [0091] and [0096]).

Regarding claim 8, the limitations have been analyzed and rejected with respect to the reasons as set forth above in claims 1 and 6.

Regarding claim 9, Ueki teaches an access apparatus for accessing an optical disc including a plurality of areas which are previously allocated to correspond to a plurality of conditions, wherein a plurality of parameters for providing a method for accessing the optical disc under the plurality of conditions are recorded on the plurality of areas, the access apparatus comprising: an initiating section for initiating the access apparatus (10 of Fig. 12, [0096]); and a reading section for reading at least one of the plurality of parameters from any of the plurality of areas which is previously allocated to correspond to a maximum performance condition indicating a maximum performance of the access apparatus (24 of Fig. 12, [0091] and [0096]), in response to the initiation of the access apparatus ([0072] optimal value).

Regarding claim 10, Ueki teaches an access apparatus according to claim 9, further comprising an access section for accessing the optical disc using an access method provided by the read at least one parameter (16 of Fig. 12, [0096]).

Regarding claim 11, the limitations have been analyzed and rejected with respect to the reasons as set forth above in claims 1 and 6.

Regarding claim 12, the limitations have been analyzed and rejected with respect to the reasons as set forth above in claim 9.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571)270-1815. The examiner can normally be reached on Monday-Friday 10pm - 6pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art Unit  
2627

/Kezhen Shen/  
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